

# THE ISSUES OF THE WAR FOR THE UNION.

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## A DEFENCE

OF THOSE WHO BORE THE FLAG OF THE  
NATION IN THE CONFLICT BETWEEN  
THE NORTH AND THE SOUTH.

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*RESPECTFULLY SUBMITTED BY*

McPHERSON POST 73, ABINGTON, TO THE DE-  
PARTMENT OF MASSACHUSETTS, GRAND  
ARMY OF THE REPUBLIC.

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## PREFACE.

COMRADES OF THE DEPT. OF MASSACHUSETTS:

The accompanying address is respectfully submitted for your consideration. If both in matter and manner it meets your approbation, will you not kindly join with us in endeavoring to secure its adoption at the coming annual encampment of the Department, as a declaration that is particularly timely in view of recent events which are known to us all.

Also will the adjutant of each Post see that a copy is furnished to each delegate to the encampment.

*In behalf of*

MCPHERSON POST, 73, ABINGTON, MASS.

DAVID WARREN, Adjutant.

## THE ISSUES OF THE WAR FOR THE UNION.

Certain events have occurred recently which impose a new duty upon the Grand Army of Republic. They who fought to destroy the Union are now declaring that they were right and are laying the blame of the war upon the North. If they who fought to destroy the Union were right, what were we who fought to preserve it? I cite instances of what they are saying.

On the 20th of May last a silver star was placed in the pavement of the Capitol at Montgomery, Ala., to mark the spot where Jefferson Davis stood when, on the 15th of February, 1861, he delivered his first inaugural as provisional President of the Confederate States. The orator of the occasion was Gen. John W. Sanford of that city, an officer of eminence, who was chosen partly because he was close beside Mr. Davis at that time, and so was able to point out the precise spot where he stood. Naturally General Sanford's address was a eulogy of his chief. The pith of it was in these words:

"If Jefferson Davis and you, my friends, were rebels, then rebellion is no crime. If Jefferson Davis were a traitor, then treason is a virtue of exalted dignity. But Jefferson Davis was neither a rebel nor a traitor, and when impartial history shall be written he will be placed in the foremost files of those immortal men who labored and suffered and fought for the promotion of constitutional liberty and the well-being of the people."

Well, comrades, if Jefferson Davis labored and suffered and fought for the promotion of constitutional liberty, what did we labor and suffer and fight for?

Again, on the 22d of June last there was a reunion of the Confederate soldiers at Nashville, Tennessee, at the great Centennial Exposition there; and in the afternoon Judge Reagan of Texas, last survivor of Mr. Davis's cabinet, made an address from which I quote:

"Comrades, by the laws of nature I can, at the most, be with you but a few years longer; and I feel it to be my duty to you and to posterity to make this statement of the facts of history, which vindicate us against the charge of being either rebels or traitors, and which show that we were not the authors of a 'causeless war brought about by ambitious leaders;' but that



our brave men fought and suffered and died, and our holy men of God prayed, and our noble women suffered patiently and patriotically all the privations and horrors of a great war cruelly forced upon us, for the purpose of upholding the constitution and laws of the United States, as preserving the rights of the several States to regulate their own domestic policies, and of protecting the people against spoilation and robbery by a dominant majority." Again, comrades, I ask, if the Southern soldiers were fighting "for the purpose of upholding the constitution and laws of the United States" what were we fighting for?

Along with these facts comes the question of our school histories. The national committee of our Order appointed to inspect the school histories in use in the North reported that not one of them is worthy to be endorsed by us as properly presenting the truth in the case of the war for the Union.

The above are typical cases; and they show the new and special work that is now required of the G. A. R. The men who carried the flag of victory during that long and bloody war should now maintain in the forum of history the true and just interpretation of the causes which led to the war, of the principles involved in the war, and should rightly place the responsibility for bringing on the war, in order that the truth of history may be maintained, and justice be done to those who laid down their lives that the nation's life might be preserved. The positions which are herewith presented are believed to be essential parts of the truth of history.

1. One essential truth of history is that the South began the war by firing on the flag. At the time of the Revolution it was well understood that who fired the first shot began the war; and hasty tempered Major Pitcairn, by his fatal order on Lexington Green threw that responsibility on to the British. And so in this case without question the South fired that first shot deliberately and by orders from their highest authorities. Passing over the affair of the Star of the West, as that was inconsequential, we come to the undoubtable event. In the gray of the morning of Friday, April 12th, 1861, a white haired and venerable looking man, Mr. Edmund Ruffin of Virginia, pulled the lanyard of a cannon, and so fired the first shot which opened the bombardment of Fort Sumter, and thus began the war. There was no question about this at that time, nor did anybody think differently then. I cite the sayings of two Southern men, which are conclusive on this point.

On the evening of the day when the bombardment began L. P. Walker, Confederate Secretary of War, in a short speech in response to a serenade, said that "no man could tell where the war this day commenced would end, but he would prophesy that the flag which now floats in the breeze here, would float over the dome of the old Capitol at Washington before the first of May. Let them try Southern chivalry, and test the extent of Southern resources, and it might eventually float over Faneuil Hall itself."

Next day Governor Pickens of South Carolina, in a despatch to Governor Letcher of Virginia, used these words: "We will take the fort, and can sink the ships if they attempt to pass the channel . . . . The war is commenced, and we will triumph or perish."

In these two sayings of eminent Southern officials, uttered on the two days when the bombardment took place, when people were right in the event itself, and were speaking their minds spontaneously just as it was, we have the truth of the case given. By the words of the South it is shown, (and the North never thought otherwise,) that in the bombardment of Fort Sumter the war was begun; and in that bombardment the South fired many shots before one was fired in return. This proves that the South began the war by firing on the flag.

But now, after so long a time, some of the South are claiming that the attempt of the government to provision Fort Sumter and increase its garrison, was an act of war which began the war. This claim has no foundation in truth, and will never be allowed. To carry food to hungry men is not an act of war; and for a government to provision and garrison a fort which it had built, and had never surrendered, and to do this when no war had been declared, was not an act of war; and calling it so does not make it so. The attempt to provision Fort Sumter and increase its garrison was not intended as an act of war, was not in the nature of an act of war, war not having been declared, and it was not an act of war; and for Southern writers to call it so will not mislead history. The plain and indubitable fact is that the South deliberately fired on Fort Sumter for the purpose of bringing on a war, and upon the shoulders of that South lies the responsibility for the bloody, fratricidal strife into which that act plunged the nation.

The fate of the man who fired that first shot is typical of the whole case. A little more than four years after that event, when



the very flag against which he fired had been restored to its place over the ruins of that fortress, that same white haired and venerable looking man committed suicide, preferring such a death, it was reported, to living under the flag on which he had fired, and the government against which he had rebelled. That exit by him from this life was a fitting type of the Confederacy in its beginning and aims, its movement and end. Thus is it made plain that the South began the war by firing on the flag.

2. At once the question arises, what did the South begin the war for? To this question the truth of history requires answer, that the South began the war to maintain slavery, and for that alone. We of the North give this answer as a matter of course; and in the time of the war we neither knew nor heard of nor imagined any other. But since the war, the South, speaking through Mr. Davis and others, asserts that "sectional hostility" on the part of the North, and "sectional aggrandizement looking to absolute control," and "lust of empire" moved the North to endeavor to lord it over the South, and so the North brought on the war. Mr. Davis says:

"These facts prove incontestably that the sectional hostility which exhibited itself in 1820 . . . was not the consequence of any difference on the abstract question of slavery. It was the offspring of sectional rivalry and political ambition. It would have manifested itself just as certainly if slavery had existed in all the States, or if there had not been a negro in America."

Again Mr. Davis says: "The lust of empire impelled them (the North) to wage against their weaker neighbors a war of subjugation."

Yet again he says: "The dominant idea . . . was sectional aggrandizement looking to absolute control."

Once more I quote: "These military preparations of the Government of the United States signified nothing less than the subjugation of the Southern States, so that by one devastating blow the North might grasp forever that supremacy it had so long coveted."

Now, while not questioning the sincerity of Mr. Davis, and being aware that his view is largely held in the South even yet, still the Grand Army of the Republic has to declare in behalf of the whole North that there is not one word of fact on which to found his sayings. The North was not seeking war, nor planning war, nor desiring war, nor making preparations for war.

nor expecting war; nor was there any purpose, wish or effort on the part of the North to subjugate the South, either before or during the war. The North did not begin the war at all; and when the South had begun the war by firing on the flag, the whole effort of the North in carrying on the war was to preserve the Union; and it had no other end, as all its conduct since the war conclusively shows. And with all due respect we are constrained to say, that when any one writes as Mr. Davis has, his words (or hers) sound like the wild, raving cry of the insane, without a shadow of truth in them.

Hence I say, with all sincerity and earnestness, that the North did not begin the war; it had no motive to begin the war; it had no desire to subjugate the South; and as to "supremacy," the North was growing that way so naturally that there was no temptation to covet it, certainly not by conquest. All that the North had to do was to hustle and grow in the ways of peace, just as it was doing, and the only supremacy worth having was coming to it faster and faster with every roll of the sun. But that the South began the war to maintain slavery there is evidence abundant and conclusive to show; and out of the abundance I cite the supreme, typical item.

The greatest oration of that period, a mighty torrent of power, was the speech of Mr. Robert Toombs, January 7, 1861, when he withdrew from the United States Senate, and it is now presented by the South as one of the standard authorities on their side. The speech was made to tell why the Southern States were withdrawing from the Union, and was a sort of declaration of independence by the South from the North, giving the ground on which that declaration was based. Delivered, as it was, in the full flood-tide of feeling just before the war, and when that withdrawing was going on, it tells the case just as it was, not changed in hue by any after-thought. And it is all slavery, nothing but slavery. Read it for yourselves and you will see, any one will see, that there is nothing in it but slavery as the reason why he and the South were withdrawing from the Union. I give the gist of the speech. Speaking of the Southern people Senator Toombs said:

"A party sprang up in this country which endangered their social system,—a party which they arraign, and which they charge before the American people and all mankind with having made proclamation of outlawry against \$4,000,000,000 of their properties in the territories of the United States; and with hav-



ing put them under the ban of empire in all the States in which their institutions exist outside the protection of the Federal laws."

What was the proclamation? We proudly avow it. It was the famous, glorious, ever-to-be-honored party watchword, "No more slave territory."

What was the \$4,000,000,000 of the property of the South which was outlawed by the North? It was the property in slaves.

In short, the one theme of the speaker was the action of the North against slavery, as the reason why the South was withdrawing from the Union; and the South fired on the flag to force a complete withdrawal, and to pound the North into obedience to itself concerning the property of the nation that was located in the seceded States.

In the latter part of his speech Senator Toombs made five demands on the North, which, if granted, the South might accept and come back into the Union; and all were about slavery. I give the pith of the five.

1st. Slaveholders to have the right by United States law to take their slaves into every territory of the United States.

2nd. Property in slaves to have the "same protection from the government of the United States . . . as other property."

3rd. Crimes against slave property to be punished in the slave States according to their laws, the criminals to be delivered up by the free States.

4th. Fugitive slaves to be surrendered under the Fugitive Slave Law of 1850 without habeas corpus, or trial by jury.

5th. Punishment to be inflicted on those who aid and abet invasion or insurrection, meaning those who might help in such a case as the John Brown raid into Virginia.

Manifestly all these requirements which Mr. Toombs laid upon the North were concerning slavery, and nothing else; thus showing that slavery and that alone was the real issue between the North and the South. But finally to clinch the case and make it sure forever, the one amendment to the national constitution which came from the war, and which the Southern States had to adopt in order to return into the Union, was the amendment prohibiting slavery.

Thus is our position established, that the South began the war to defend slavery.

Just here we may fitly ask and briefly answer the question,

what was that slavery to maintain for which the South plunged the nation into the horrors of that long and bloody civil war, in which half a million of men were sent to death? I answer, no matter how much of its harsh and wicked features were softened by the personal kindness of some slaveholders, nevertheless slavery as a system, was just what John Wesley called it, "The sum of all villainies." It was a den of every wickedness, a cage of every unclean bird. By section after section, on page after page, in volume after volume of the statute books of the South, to the uttermost ingenuity of the devisings of man, the negro race was made to be a race of chattels, of things, of personal property, to be bought and sold like any cattle,—like horses, cows, sheep, hogs—Yes, literally, the slaves were legally on the same level with any cattle. So the man was sold one way, the woman another way, and their children every whither, what should have been the family being all scattered apart, as the whirlwind scatters the leaves of the forest, no one of them ever to see another under the sun. Slavery, it was the charnelhouse of every debasement, the supreme infamy of human history; and it was to maintain that supreme infamy that the South plunged the nation into that civil war which cost half a million of human lives.

3. And now, having seen that the South began the war to maintain slavery, we come to the great question of constitutional law at issue in the conflict—the question of secession: and as another essential truth of history we have to teach that there was no right of secession under the constitution.

The doctrine of secession as the South taught it, was, that the Union was merely a voluntary league between sovereign States, into which each entered for itself alone at its pleasure, and from which each could withdraw by itself alone at its pleasure, without regard to any other State, doing no legal wrong in withdrawing, nor incurring any legal penalty. The question is not concerning the fundamental right of revolution, nor the right of the States as a body to dissolve the Union. Neither of these was at issue. But the claim of the South was that in the very nature of the sovereignty of the States there was inherent the right to withdraw at will from the Union, and to resume all the powers granted to the Union, without breaking any law, violating any obligation, or doing any wrong. Such was the doctrine of secession, against which the North was a unit.

The position of the North was, that the United States was a



nation, not a league, and that under the constitution there was no right of secession, nor appearance of such right; nor was there such right in any of the circumstances surrounding that instrument. Hence the North held that the action of the States in withdrawing from the Union and in all that followed was rebellion, and that they who took part in it were rebels. On this issue the war was fought out, and the decision of arms went with the North. But the South does not accept that decision as right. The Southern leaders still claim that they had the right of the case as a matter of law, even though the force of arms did go against them. It is necessary, therefore, in the forum of reason and historic truth to argue the matter through to the end with pen and tongue as thoroughly as we did with the sword, and show that there is not one handbreadth of ground for the South to stand upon, and never was; but that their whole view is without any show of reason or right. And as the first part in the argument we offer a brief historical survey.

When the war of the Revolution ended the thirteen colonies became thirteen complete, distinct, independent, sovereign nations, having every several characteristic of sovereignty, as the right to coin money and levy duties, etc.; except that they were joined together into a league called "the United States of America" under an agreement called "Articles of Confederation," by which they were in certain respects limited. This was a league of the States as such, and not a union of the people. It was formed by delegates from the legislatures of the States, and never ratified by the people; and the government formed under it operated only upon the States, and not at all upon the people directly. For example, when that government had decided what amount of money to expend, it apportioned out to the States their proper parts, and made requisition accordingly; but it had no power to collect what it called for. It could only wait till each State raised and paid over the amount apportioned; and the difference in the promptness of the various States in doing this was very great. But even from this league in its crude, imperfect form no State could lawfully withdraw; for Article XIII explicitly said, "The articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual" Such was the league of the States in the Confederation. But after an experience of ten years this league broke down completely; and it became evident that such a form of general government was wholly inadequate to bear the burdens which

must come upon it. A universal conviction of this condition of affairs having pervaded the country, the Congress, in response to that conviction, called a national convention to revise the articles of Confederation. But when that convention assembled, and surveyed the work to be done, it became evident to the whole body that no revision could meet the exigency; but that a work new from the beginning was the necessity of the situation.

The men who composed the convention rose to the requirements of the occasion, and determined to meet them by making a constitution as wholly adequate as they could. Thus came into being that document under which the nation still lives, and which Mr. Gladstone once declared to be the greatest single State paper ever produced at one stroke by the hand of man. And herein was it new.

It must be ratified by the people, and so be authorized by them explicitly.

The government under it was to operate directly upon the people, and not upon the States. For example, all customs duties were taken from the States and given to the general government; whence it was fully able to sustain and work itself.

In important respects the people were to work directly under it in the nation, and not indirectly through the States; as, for example, in the election of representatives; and this is much more the case now than at the first.

The gist of all these great improvements was set forth in the first word of the preamble, "We, the people of the United States, in order to form a more perfect union," etc.

And now let us examine the document itself, that we may see for ourselves just what the makers of the constitution did in it concerning the States. And this is what we find.

The makers of the constitution provided that the people should compose the nation and not the States. This they said in the very first words, "We, the people of the United States." In this phrase it is the people and not the States which form the substance of the nation. The words "of the United States" do not designate of what the nation is composed, but only where those people live of whom it is composed. The people are the nation.

This view was abundantly established at the time by argument, especially on the part of those who opposed adopting the constitution.

Again, the makers of the constitution provided that "We, the



people," the sovereign people, the source of all authority and power, just as Mr. Davis emphatically avers, and acting as citizens within their own several sovereign States, should, of their own sovereign right and free will, by the adoption of the constitution, take away from their States certain definite and specifically named powers of general or national government, and that these specified powers, the people acting conjointly in a specified manner, should combine together with themselves into a new organism, the nation of the United States, which was to be established instead of the Confederation of the United States.

In doing this the people gave up nothing; they took nothing from themselves; but they did very decidedly change the manner in which they would exercise a part of their powers. By the adoption of the constitution the people both combined themselves into the new organism,—the nation, composed of themselves and not of the States, though of themselves as dwelling in the States; and also they divided the whole body of the powers of State into two parts, both of which had before inhered in the several sovereign States. But now, dividing those powers into two parts, the people appointed certain specified powers, such as were national in their nature and scope, to be exercised by themselves through the general government which they formed, while reserving the rest of the powers of State to be exercised by themselves through the States, as heretofore. After this division the States were, by the voluntary action of their citizens, shorn of the national powers which they had possessed before; but the citizens, the people, were not shorn of anything. Rather they had greater powers than before; for now, as to national affairs, they shared in all the powers of all the States combined, and in all the immensity of all the vast domain which had come under the action of the whole body of the people, now become a nation. But each State was just as sovereign as ever in all local affairs, as in personal and property rights, and in the management of the domain of the State, being protected in these from the action of every other State, and from the nation.

All this appears plain from a survey of the powers which were taken from the States, and those which were reserved to the States. The powers taken from the States were imperial powers, those which pertain to a nation bearing its part among the nations of the earth, or which were necessary for administration between the States of the Union in their interstate relations. Among these powers were those to coin money and

regulate the value thereof, to levy duties on imports, to make treaties with foreign nations; and, as between the States, to regulate interstate commerce. All these general, national specified powers the people, by the adoption of the constitution, determined to exercise through their newly formed organism,—the nation. But on the other hand, all the immense mass of rights and powers pertaining to local affairs, wherein the greater part, the nine-tenths of human life exerts itself, the sovereign people reserved the right to exercise these powers in the States, and forbade the exercise of them in the general government.

The case of what was reserved to the States is clear; but what was taken from them is obscure. The emphasis, therefore, needs to be laid upon the latter. It is to be distinctly discerned, then, that the makers of the constitution explicitly provided that by its adoption a part of the sovereignty of the sovereign States was taken from them, and was bestowed upon the new organism which they had provided to be formed,—the nation. Thus, under the constitution, there are three sovereignties, the sovereignty of the sovereign people in all things; the sovereignty of the sovereign States in many things, in what is local and personal; and the sovereignty of the sovereign nation in some things, in what pertains to imperial affairs, to the nation as among the nations of the earth. And throughout the whole corporate body of the nation the people, who are sovereign in all things, exercise their sovereign powers partly through the sovereign States, and partly through the sovereign nation; but they lost none of their powers at all by the change which they made in the mode of exercising them.

We now advance to the next stage in our examination and find that the action of the Fathers in taking from the States certain specified, national powers, and in combining these powers along with themselves together into the new organism which they formed,—the nation, was made in the nature of the case irrevocable by the action of any individual State. This appears from the nature of what was done, and from the manner in which that taking away and combining together was accomplished. These were affected only by the adoption of the constitution, and by the method of that adoption it becomes of the first importance for us to know and understand. That method we find in the last article of the constitution as follows:—

"The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same."



Thus it was ordained in the constitution itself that the people of nine States must adopt or ratify that instrument before it became operative in any State, and this was accepted by the whole body of the States. Therefore the adoption of it even by eight States, and that unanimously in each, did not make the constitution operative. The conjoint action of the people of the appointed group of nine States for adopting it was requisite before it became effective anywhere; but the moment it was adopted by the ninth State it went into effect in the whole nine at once. Now, this method by which the constitution was established and made operative in the nature of the case carries with it that only by a corresponding method could it be disestablished and made inoperative; for the right to adopt and the right to annul are the same right working in opposite directions, and manifestly to be exercised under corresponding conditions. Hence, in requiring that "We-the-people" of nine States must act together conjointly to adopt and establish, the fathers of the constitution made it to be equally requisite in the nature of the case that "We-the-people" of a corresponding proportion of the States at any time must act together conjointly to annul and disestablish: and the constitution having been ratified under those conditions and in that manner, this law of corresponding proportion is fixed as of the gain and substance of that document.

Moreover, it is yet further plain that in requiring nine States to adopt in order to establish the constitution, the sovereignty of the individual State to adopt, acting alone, was taken clean away. For, if the individual State was sovereign and sole in adopting and establishing, then the constitution would have been operative upon each State as soon as adopted by it; but as it was not operative in any until it was adopted by nine States, acting conjointly, the sovereignty of the individual State, acting by itself, to adopt and establish was taken away. And since the power to adopt and the power to annul are the same power exercised in opposite directions, the taking away from the individual State of the power to adopt, acting alone, carried with it the taking away of the power to annul, acting alone,—that is, annihilated the right of secession as a legal right under the constitution; or, in better phrase perhaps, shows that it never existed under that instrument, and could not. From which it appears that secession was in no sense a constitutional right. Whence it follows that there is no legal ground for a defence of the course of the South in withdrawing from the Union.

Now the way is prepared for examining a saying of Prof. A. T. Bledsoe, assistant secretary of war of the Confederacy, and one of their standard authorities. He says: "But the constitution was made by the people of the several States, each acting for itself and bound by no action but its own." That this is half truth and half error, we think a simple statement of the case will show. It is, indeed, quite true that the sovereign people of the sovereign States, acting in their several States separately, adopted the constitution. But it is equally not true that each State was "bound by no action but its own." On the contrary because the action of no State was effective to adopt without like action by eight other States, therefore the action of every one of the nine States was vitally bound up with the action of the other eight; for it was of no effect by itself, but only had effect in and with them. The breath of life came into no one of the States except as it came into all of the nine at once. Hence, as a matter of historic fact, Professor Bledsoe's saying is so far from being true, that right the opposite is true. For so bound up in the action of the rest was every one of the nine States that the action of no one of them was effective at all except in conjunction with the other eight. Hence his words, "bound by no action but its own" are empty of all truth, since not one of them could breathe or be alive at all save as the others breathed with it.

This brings us to another saying by the same author. His words are: "Let the place in which this right (of secession,) this greatest of all the rights of sovereignty, has been given away to the Federal Union, be pointed out in the constitution, or it must be conceded that it remained with the States." We are pointing out that very place. When the sovereign people, acting in their sovereign States, adopted the constitution, by that act of adoption it was ordained that the sovereign people of nine sovereign States must act together in ratifying before the constitution could be operative at all. In ordaining this the people took away from the individual States, as such, the power of ratifying, and gave it to the group. In taking away from the individual States as such the power of ratifying, and giving it to the group, the people equally and necessarily took away the co-ordinate power of annulling, and gave that power also to a corresponding and proportionate group; and in 1861 that proportionate group would have been twenty-three States. That number of States, acting together conjointly and unanimously, could have dissolved the Union. But such a dissolution of the Union is not the doctrine



of secession at all. That doctrine is that any one State can pull out at will, and so dissolve the Union.

Our great national seal gives striking corroborative, contemporary evidence to this view. The seal was adopted in 1794, only five years after the adoption of the constitution, and in preparing it Thomas Jefferson bore a conspicuous part. The eagle was chosen and placed in it to represent the nation; and the motto on the scroll held in the eagle's beak was the brief, clear, condensed statement of what the nation considered itself to be. That motto, "E Pluribus Unum," familiar as the alphabet to every schoolboy in the land, has but one meaning, viz., "From many parts one nation." One nation from many States is a union now and forever, one and indissoluble, this natural and unquestionable significance of the motto, along with the time when it was adopted, and the men who adopted it, makes it give its whole strength to the position that the "more perfect union" which the constitution was adopted to establish, was the union of the whole people of the many States into the one nation; a union which only the nation as so constituted could dissolve. Hence, still more clearly does it appear that there was no shade of legal right under the constitution for any State to withdraw from the Union. Therefore, whoever moved to withdraw a State from the Union fomented rebellion, and whoever fired on the flag was a rebel. Thus have we examined for ourselves into the very nature of the constitution, and have found that under it the Union was indissoluble by any State.

Certain effects of secession confirm the position we are maintaining. For instance, the nation has issued bonds for a hundred millions of dollars, and every State secedes by itself; then who owes the amount? for the nation which contracted the debt is annihilated by the secession of all its members. The same result would come in the case of treaties with foreign nations. These effects of secession show that the doctrine is absurd in the nature of things; for an organism which can incur debts, make treaties, assume obligations, cannot lawfully disappear into atoms and escape from the obligations incurred.

IV. Thus far I have shown that the South and the South alone began the war; that slavery was the cause of the war; and that there was no right of secession under the constitution, as a legal ground, on which the South had a right to withdraw from the Union. Now the way is open to advance another step and declare as another plain and essential truth of history that

nothing done, or intended, by the North afforded any just ground for the action of the South. That the case may be met just as the South puts it, we quote the words of Judge Reagan on the historic occasion already referred to. He says:

"Our people suffered 'all the privations and horrors of a great war, cruelly forced upon us, for the purpose of upholding the constitution and laws of the United States, as preserving the rights of the several States to regulate their own domestic policies, and of protecting the people against spoliation and robbery by a dominant majority.'" Again Judge Reagan says, "I say now, with deliberation and sincerity, in view of all the calamities of that war, if the same condition of things could again occur I would rather accept those calamities than belong to a race of cowards, and surrender the most sacred rights of self-government to the clamor of a majority over-riding the constitution and demanding terms so revolting to our sense of justice."

Doubtless Judge Reagan is sincere and honest in his utterances, and truly represents the South of the Confederacy. Nevertheless it is a matter of common and substantially universal knowledge on the part of the Grand Army of the Republic, as representing the North of the war period, that there is not one single fact as a foundation for his sayings above quoted. I make denial phrase by phrase in specific particulars.

1. There was no intention on the part of the North, or of any considerable portion of it, to commit "spoliation and robbery" against the South, by which Judge Reagan means to free the slaves without compensation. There may have been individuals of that mind, but nothing of the kind was voted or advocated by any body of men of political weight at the North; so that the North never had any such purpose.

2. Again, the war was not "cruelly forced upon the South," nor forced upon the South at all; nor was the North doing or intending anything which can be made a reasonable excuse for those words.

3. Again, neither the whole North, nor any part of it asked or desired the South "to surrender the most sacred rights of self-government to the clamor of a majority," or to surrender them at all to any body.

4. Nor was the North "over-riding the constitution," or intending to, or "demanding terms," or doing anything to which those words can be properly applied.

5. And yet again, there was no political force in the North



which was endeavoring to interfere with the "rights of the several States to regulate their own domestic policies," which means to interfere with slavery in the States. There was no party at the North which had any intention of so interfering. The Republican party had not. The election of Mr. Lincoln had no such meaning. He himself would have resisted any such interference.

But it may be asked, was there not a "Liberty Party," and did it not propose to interfere with slavery in the States? Yes, there was a Liberty party, and its story we hasten to tell.

In 1839 the Liberty Party was formed, and made James G. Birney its nominee for President; and the following year it cast in the whole country 7,059 votes, not enough to make a percentage worth while. In 1844 with the same leader it cast 62,800 votes in a total of 2,698,611; which was one vote in 43 for the whole country. But we prefer the percentage in the four States where its vote was largest. In Maine it cast one vote in every 17.5, in Massachusetts one in 12, in New York one in 31, and in Ohio one in 39. Its total vote in these four States was 39,558, out of a grand total of 1,014,163, or one vote in 25.6. Pardon me, but was one vote in 12 in Massachusetts, or one vote in 25 in four of the most anti-slavery States, was that one vote the North? Or did it represent the North? Most certainly it did not.

When the next Presidential campaign came (1848) the Liberty Party had disappeared, and never appeared again; but in its stead had come the "Free Soil Democracy," with a platform fundamentally different; for while it said, "No more slave States and no more slave territory," it also explicitly "proposed no interference by Congress with slavery within the limits of any State."

In 1854 the Republican party was formed, and it entered upon the campaign of 1856 as a strong anti-slavery, and strong States rights party. Preservation of the Federal Constitution, and of the rights of the States, and of the Union were the 2d, 3d and 4th planks in its platform. It differed earnestly from the South as to the power of Congress over slavery in the territories; but it did not touch a single right of the slave States. In 1860 the Republican party became more strenuously States rights, and said: "The maintenance inviolate of the rights of the States, and especially of the right of each State to order and control its own domestic institutions according to its own judgment exclusively

is essential to that balance of power on which the perfection and endurance of our political fabric depends." On that platform Mr. Lincoln was elected, a platform almost in the words of Judge Reagan, teaching the very doctrine which he affirms, when he in utter error condemns it for teaching the opposite from what it does teach. Well may it be asked, what does cause the South not to see even now; but it says through Judge Reagan what is right opposite to the record and the truth of history concerning the Republican party and the North?

To sum up this part of the argument, the sayings of Judge Reagan clearly show that before the war, during the war, and even until now, the South has never known what the real situation at the North was; but it has always looked upon the eager agitation of a small company of zealous reformers as if it were the urgent purpose of the whole body of the people of the North. So the South has never understood the North. Hence I assert again, that at the time when the war began and before, there was nothing being done or intended by the North which was any attack upon the rights of the States, and especially concerning slavery; or which afforded any reasonable ground for the course which the South pursued.

But there was also a question concerning slavery in the territories; and this takes us at once to the Missouri Compromise. In 1820, when the question of the admission of Missouri as a slave State came up, a bargain was made between the free and slave State people, by which Missouri was admitted, but slavery was forever prohibited in the territories north of 36.30. This was a Southern measure, sustained by a Southern cabinet, carried by a Southern measure, sustained by a Southern President, as a Southern votes, and signed by a Southern Senator, correctly observed. It was a direct bargain of give and take, by which the South gave up all her claims under the constitution to slavery in the territories north of that line, for the sake of having Missouri admitted as a slave State, which went both north and south of it. Had the terms of this compromise been carried out in good faith by the South there would have been no war. But when in '53-4 the settlement of Kansas began, the South determined to make a slave State of that territory, although it was all north of the line agreed to, by the South, and for which she had received her recompense; and it had been dedicated to freedom with her express consent.

The North, on the other hand, determined to maintain what



had been pledged to her; and men took up arms to defend Kansas as a free State, while others took up arms to make it a slave State. It was the faithless action of the South in trying to seize Kansas which brought the nation to the doors of war. Hostility to slavery was steadily increasing, and that action greatly inflamed it. Then followed in 1857 the Dred-Scott decision, which was verbally correct, but morally a fraud. It was verbally correct in deciding that under the constitution the slaveholder had a legal right to take his slaves into the territories and hold them there; but it was morally a fraud, because it released the South from her pledges, by which, having made them, she was morally bound; and by her pledges the South had given up her slave-holding rights under the constitution in the territory north of the compromise line. Hardly could a more unfortunate, perverting and disastrous decision have been made. Plain people are not over nice about points of law. They see and make account of the gist of the matter; and the gist of the matter, as it turned for the South was, "Heads I win, tails you lose." A large part of the North believed from that time that the South never would keep faith where slavery was at stake, when it was for the advantage of the South to break faith. This made the Republican vote in '56 and '60 possible. Such, in brief, is the case concerning slavery in the territories, in which, be it observed, the North did nothing which involved any attack upon the rights of the States, nor upon slavery in the territory set apart to slavery by the Missouri Compromise.

But though all the above is literally true, nevertheless there was a serious difficulty in the constitution concerning slavery, which should be brought fully to view; and Judge Reagan's phrase, "over-riding the constitution," which he charges the North with doing, I will take as the occasion for considering that difficulty.

When the constitution was adopted slavery existed by law in all the States but one. So the fugitive slave law clause, and one or two others, did not seem so evil and repulsive to any part of the country as they did at a later date to the free States. Some of the States, in the exercise of their State sovereignty, abolished slavery and entered upon a career of freedom, while others retained it; and so the two grew side by side. Now, as they grew along together, the freedom in the one and the slavery in the other brought out into strong contrast certain distinct contradictions in the constitution. For instance, every State was

sovereign; and the essence of State sovereignty was the right of the States, in Judge Reagan's own words, "to regulate their own domestic policies." Now, this right was just as dear to the North as it was to the South,—just as dear to the free States as it was to the slave States; and just as much to be preserved under the constitution in the one case as in the other. Hence any use of the constitution that diminished the sovereignty of a part of the States, and increased it at that point in the others, would be certain to work grievous discord. And so it came.

For illustration, a Northern State, Vermont for instance, exercises its right as a sovereign State "to regulate its own domestic policy," and establishes freedom. Then the foot of every man that touches the soil of that State becomes free, certainly while he lives there. Now, slavery being a creature of local law, exists in any State only by reason of the law of that State. Moreover, the laws and officers of one State cannot have jurisdiction in another State; and the officers of a free State cannot execute the slave laws of a slave State. But in the case of slavery the national constitution overrode State sovereignty; for under it the State of South Carolina, for example, could take hold of the long arm of the general government, and with that arm could carry its local slave law right up into Vermont in spite of herself, and make it apply to a certain negro living there, and so could lay hold of him and drag him back into slavery in South Carolina. By that act the national constitution annihilated the State sovereignty of Vermont in that matter at the behest of South Carolina; thus enabling South Carolina to use the general government as her slave-driver's whip to lord it over Vermont with. And Vermont was just as sensitive about her State sovereignty as South Carolina was about hers, and was as little pleased to have it overrode. Let an illustration emphasize this.

We turn the case right around. The constitution explicitly maintains the right of free speech. Now, what if, under that article in the constitution, a law had been passed enabling a citizen of Vermont, with the long arm of the general government protecting him, to go down into South Carolina and advocate the abolition of slavery. How would South Carolina have felt? From this illustration let the South that now is realize how the free people of the North felt when the South brought her slave laws up into the free States, annihilated in so far the sovereignty of those States, and turned their free soil into a hunting ground for slaves. Thus do we show how the South over-



rode the sovereign rights of the Northern free States every time it reached over into one of them and took out a slave.

Such being the condition of affairs, the North, while not proposing to interfere with slavery in the States where it existed, was moving more and more to protect the free States in their sovereign rights of freedom, just as the Southern States were protected in their sovereign right to hold slaves. This explains in large part the work and purpose of the Republican party.

Thus do I point out the contradictions in the constitution, and show that the North, in endeavoring to protect itself in its own home rights equally with the home rights of the South, gave the South no just occasion to withdraw from the Union, fire on the flag, and plunge the nation into a fratricidal war.

V. And now, having shown that the North gave the South no just cause for her course in this case, the way is open for the remark that as a yet further essential truth of history, secession was no remedy for the alleged evils of which the South complained, especially in the matter of slavery, nor was there any remedial element in it. On the contrary it was an uttermost aggravation of those evils. The practical effect of secession was to bring the Canadian border right down to the slave States. It annihilated every legal right of the slave-holder in the free States, and practically made every house north of the slave border a station on the underground railroad. Would the slaves in Virginia and Kentucky have been any safer when Pennsylvania, Ohio, Indiana and Illinois had all been transformed into Canada? The question answers itself. But that transformation was the inevitable practical result of secession. Moreover, by secession the South lost every acre of the national territory, and especially all that they were entitled to under the Missouri Compromise.

Hence, even if she had not fired on Fort Sumter, but had by patience and dignified firmness secured the consent of the North to a peaceful separation, still she would have been cribbed up in the States which seceded, for there was no pretence of right to take any of the territory with them, and so she would have been in every respect worse off than in the Union, with no matter what ills were arising. Indeed, secession was about the most fatal blow that the South could have dealt against slavery. But that institution was doomed in any event. The forces which were working against it were as pervasive and irresistible as the forces of nature in the spring. Slavery was doomed. It violated the fundamental and steadily developing moral sense of the nation

and the age. Morally it was a barbarism; economically it was crude, wasteful and costly; and the time had fully come when the Almighty Hand was lifted up to put it off from the American people. The only question was whether it should fade out in the slow decline of two or three generations, or go out in an explosion. The South, filled with a wild craze, would not permit the quiet working of the nature forces; but instead drove all things to the catastrophe which befel.

Yet again, there was not in the idea of secession one single element of good; while in practice it would have resulted in the destruction of the liberties of the people. It would naturally and inevitably have resulted in the reduction of the United States into a number of disunited, jarring fragments of petty principalities, frittering away their energies in aimless squabbles, until some new Alexander should have arisen, who would have built up a mighty nation with gigantic powers and noble aims; but it would have been an empire established upon the ruins of the liberties of the people. Against all the plain farmer folk of a Massachusetts town, who in a town meeting held very early in the war of 1812 voted "that we should consider a division of the States as the death-warrant of our liberties." They had the true insight, they had the real, live wisdom that makes for our national life. They, and such as they, were and are forever the real Massachusetts, the Massachusetts that afterwards spoke through the lips of Daniel Webster the immortal words of perfect truth, "Liberty and Union, now and forever, one and inseparable."

In the light of that wisdom secession is seen to be anarchy; that is its nature, and there is no saving salt in it. If wrongs come into society they are to be corrected and society purified by agitation, education, aspiration; but secession is typhoid fever in national life, and death is the inevitable result. Hence the secession policy of the South had no element of wisdom or good in it; and the course pursued by the South was the most stupendous blunder made on the earth since Napoleon's march to Moscow. Thus do I show that there was no remedial element in the course pursued by the South for any of the alleged evils of which the South complained.

VI. And now, in view of the foregoing argument, the truth of history requires it to be said that there are some questions which the war settled, and they should be treated as settled.

1st. The war abolished slavery as the cause of the war, and



made this a free nation for all coming time.

2nd. Equally the war annihilated secession, and settled it that from the beginning of the constitution this was and ever is to be a nation of the people, and not a league of the States.

In both these cases the forces of war only determined what shall be, not what is right; but in both cases the weight of the force went with the truth of the right, as the argument given above clearly shows. Secession was as great and pernicious a wrong in politics as slavery was in morals; and in both cases the right was established and wrong was removed.

3rd. Another issue which the war settled was that the South in firing on the flag began a rebellion, and that they who began it were rebels. No matter how much they thought they had the right to secede, they thought wrong. They appealed to arms, and the decision went against them; and there is no argument to show any error in the decision that went against them.

The Grand Army of the Republic stands for the maintenance of the historic record of this decision, that is, of the truth of history in this whole case for all coming time. Therefore school histories which shall have the approval of those who carried the flag of the nation to victory must tell the truth of history both concerning those who bore that flag and those who tried to shoot it down out of the sky; and that truth of history is that those who sustained the flag were loyal, while those who tried to shoot down out of the sky the flag under which they were born were rebels, who were trying to destroy the best human government on which the sun ever shone. The right course for them, as it seems to us, is to acknowledge this, or at least to refrain from boasting of what they had done. The men who brought on a reasonless war, which cost half a million of lives, and which is utterly indefensible in the forum of history, might well await the judgment of history. If they would do so the Grand Army of the Republic might say for them that they were misguided, had been taught the false doctrine of secession and believed it; and by reason of slavery having never outgrown the provincial views of the beginning time of the nation, it would be fit to have charity for them for what they did. But so long as the South says, "If Jefferson Davis and you, my friends, were rebels, then rebellion is no crime," so long the Grand Army of the Republic must stand in an attitude of stern, uncompromising resentment against all who were against the flag, or who now defend those who were.

Having thus presented in brief the substance of the argument, we turn and look toward the future. There is a tribunal of history by which the conduct of nations is judged. In all great affairs, when those who bear a chief part in them have passed forever away, that tribunal sits, and the final decision is made. The judgment of the tribunal of history on the issues of the war for the preservation of the Union we confidently invoke. Among those who will sit there to judge will be the third and fourth generations from the men who fired on the flag, and so plunged the nation into that vast and terrible war. To those third and fourth generations we unhesitatingly appeal, and from them, before all in the tribunal of history, we claim the complete vindication of the North and approval of its course in defending the flag and maintaining the Union; and we ask that it be explicitly declared, that the South brought on a useless, reasonless, causeless war, which was in behalf of no principle of truth and good, and for which no just defence can be framed. And so, standing, as it were, before that tribunal to be judged, yes, before those future generations of Southern men, we ask from them, without stint or diminution, the complete concession of the following claims, viz:—

That the South began the war by firing on the flag.

That the only life which moved the South to fire on the flag was the life of slavery.

That there was no right of secession under the constitution, and that for what the South did there is no defence either in law or reason.

That the North had not performed, nor did it intend to perform, any act which was a just occasion for the South to attempt to withdraw from the Union.

That the North did not make, nor intend to make, an attack on any right of any State under the constitution, nor threatened to do anything which could be shown to be a reasonable reason why the South should have taken the maddest act of modern times, and fired on the flag under which they were born.

That secession was a crime.



every truth and good which were at issue in the conflict, and the greatest boon which could have happened to the South, as well as to the whole nation; while the triumph of the South would have been the greatest calamity which could have befallen itself, or indeed could have befallen the human race.

Such is the verdict which the North confidently claims from the tribunal of history, and undoubtingly awaits.

(Signed)

SETH HUNT, Commander.

DAVID WARREN, Adjutant.

McPherson Post 73, Dept. of Mass. G. A. R., Abington.

Endorsed by HARTSUFF POST, Rockland,—W. R. Groce, Commander; D. H. Everson, Adjutant. Also by DAVID A. RUSSELL POST, Whitman.—Jacob L. Batchelder, Commander; Lewis Soule, Adjutant.

Grand Army misguided, had been believed it; and by reason of provincial views of the beginning it fit to have charity for them for what the South says, "If Jefferson Davis and you, my rebels, then rebellion is no crime," so long the Grand the Republic must stand in an attitude of stern, uncompromising resentment against all who were against the flag, or who now defend those who were.